

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN DOE,

Plaintiff,

v.

FREEBURG COMMUNITY
CONSOLIDATED SCHOOL
DISTRICT, et al.,

Defendants.

Case No. 10-cv-00458-JPG-DGW

ORDER

Pursuant to the Court's Order dated September 22, 2011, Defendants Freeburg Community Consolidated School District No. 70, Clarence Haege and Lawrence Meggs submitted the Second Supplemental Privilege Log Related to Verbatim Closed Session School Board Minutes to the Court on October 3, 2011. The Court reviewed the documents *in camera* and hereby **ORDERS** the following:

NATURE OF THE RECORD	BATES NO.	PRIVILEGE ASSERTED BY DEFENDANTS	RULING
School Board Closed Session Minutes – June 28, 2004 (Parts One and Two)	FSD 2640-2651	No objections	The documents shall be produced.
School Board Closed Session Minutes – June 28, 2004	FSD 2652-2706	Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, Subject to prior order of Court which denied privilege: FSD 2690, 2694, 2695 and 2696.	Objections are overruled pursuant to the Court's August 1, 2011 Order. The documents shall be produced once a HIPAA Qualified Protective Order has been entered.

School Board Closed Session Minutes – July 26, 2004	FSD 2707-2717	<p>Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, Subject to prior order of Court which denied privilege: FSD 2709-2711, 2713.</p> <p>Family Education Rights & Privacy Act, 20 U.S.C. §1232(g) and Illinois Student Records Act, 105 ILCS 10/2, Subject to prior order of Court which denied privilege: Reference to student expulsion identifying student by student number. FSD 2712.</p>	Objections are overruled pursuant to the Court's August 1, 2011 Order. The documents shall be produced once a HIPAA Qualified Protective Order has been entered.
School Board Closed Session Minutes – August 23, 2004	FSD 2718-2754	<p>Family Education Rights & Privacy Act, 20 U.S.C. §1232(g) and Illinois Student Records Act, 105 ILCS 10/2. Identifies parent name and discusses grade level. FSD 2739</p>	Objections are overruled pursuant to the Court's August 1, 2011 Order. The documents shall be produced.
School Board Closed Session Minutes – October 25, 2004	FSD 2425-2458	<p>Attorney-Client Privilege: FSD 2428-2429; FSD 2439-2441; FSD 2447-2450; and FSD 2453. (See reference to attorney name, Shane, at FSD 2438, line 20; FSD 2450, line 5; and FSD 2453.</p>	<p>FSD 2428- FSD 2429 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2439, lines 1 to 20, up to word 9, are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2439, line 20, word 10 to line 23,</p>

<p>School Board Closed Session Minutes – October 25, 2004 (cont'd)</p>	<p>FSD 2425-2458</p>		<p>word 5 are protected by the Attorney-Client privilege and shall not be produced;</p> <p>FSD 2439, line 23, words 6 - 8 to FSD 2440, line 17, word 9 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2440, line 17, word 10 to FSD 2441, line 5, word 3 are protected by the Attorney-Client privilege and shall not be produced;</p> <p>FSD 2441, line 5, words 4 - 10 to line 24 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2447- FSD 2448, line 16 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2448, line 17 to FSD 2450, line 6 are protected by the Attorney-Client privilege and shall not be produced;</p> <p>FSD 2450, lines 7 to 24 are not protected by the Attorney-Client privilege and shall be produced;</p>
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School Board Closed Session Minutes – October 25, 2004 (cont'd)	FSD 2425-2458		<p>FSD 2453, lines 1-12 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2453, lines 13-20 are protected by the Attorney-Client privilege and shall not be produced; and</p> <p>FSD 2453 lines 21-24 are not protected by the Attorney-Client privilege and shall be produced.</p>
School Board Closed Session Minutes – November 22, 2004	FSD 2459-2479	Attorney-Client Privilege: FSD2461-2462; FSD 2465-2466. (See reference to attorney name, Shane, at FSD 2466, line 17).	<p>FSD 2461, lines 1-7, to word 4 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2461, line 7, word 8 to line 18, word 5 are protected by the Attorney-Client privilege and shall not be produced;</p> <p>FSD 2461, line 18, word 6 to FSD 2462 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2465, lines 1-11 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2465, lines 12 – 20 are protected by the Attorney-Client</p>

School Board Closed Session Minutes – November 22, 2004 (cont'd)	FSD 2459-2479		privilege and shall not be produced; and FSD 2465, line 21 – FSD 2466 are not protected by the Attorney-Client privilege and shall be produced.
School Board Closed Session Minutes – February 28, 2005	FSD 2480-2532	No objections	The documents shall be produced
School Board Closed Session Minutes – March 21, 2005	FSD 2532-2556	Attorney-Client Privilege: FSD 2539-2540	FSD 2539, lines 1-22 are not protected by the Attorney-Client privilege and shall be produced; FSD 2539, line 23 – FSD 2540, line 2 are protected by the Attorney-Client privilege and shall not be produced; and FSD 2540, lines 3 - 24 are not protected by the Attorney-Client privilege and shall be produced.
School Board Closed Session Minutes – April 25, 2005	FSD 2557-2587	Attorney-Client Privilege: FSD 2558-2583 (Attorney, Shane, is reference on both the first and last page, discussion of employee matter).	FSD 2558, lines 1-4 are not protected by the Attorney-Client privilege and shall be produced; FSD 2558, line 5 – FSD 2582, line 21 are protected by the Attorney-Client privilege and shall not be produced; and FSD 2582, line 22- FSD 2587 are not protected by the Attorney-Client privilege and shall be produced.

<p>School Board Closed Session Minutes – May 23, 2005</p>	<p>FSD 2588-2639</p>	<p>Attorney-Client Privilege: FSD 2628-2629. (See reference to attorney name, Shane, at FSD 2629, line 7).</p> <p>Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, Subject to prior order of Court which denied privilege: FSD 2589, line 21).</p>	<p>FSD 2628-FSD 2629, line 2, words 1 - 7 are not protected by the Attorney-Client privilege and shall be produced;</p> <p>FSD 2629, line 2, word 8 to line 10, line 1 are protected by the Attorney-Client privilege and shall not be produced; and</p> <p>The HIPAA objections are overruled pursuant to the Court's August 1, 2011 Order. The documents shall be produced once a HIPAA Qualified Protective Order has been entered.</p>
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Based upon the foregoing, Defendants are hereby **ORDERED** to produce the documents consistent with this Order by **October 31, 2011**.

IT IS SO ORDERED.

DATED: October 21, 2011



DONALD G. WILKERSON
United States Magistrate Judge